

**EXHIBIT E**

## Status Conference, 04/24/2009

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01: UNITED STATES DISTRICT COURT

01: SOUTHERN DISTRICT OF NEW YORK

02: -----x

02:

03: IN RE: METHYL TERTIARY BUTYL

00 MDL 1358

03: ETHER ("MTBE") PRODUCTS

Master File C.A.

04: LIABILITY LITIGATION

No. 1:00 00-1898 (SAS)

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05: -----x

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06:

New York, N.Y.

06:

April 24, 2009

07:

10:30 a.m.

07:

08: Before:

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09: HON. SHIRA A. SCHEINDLIN

09:

10:

District Judge

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11:

11:

12: APPEARANCES

12:

13:

13: SHER LEF LLP

14: Co-lead Counsel for Plaintiffs

14: BY: VICTOR M. SHER

15:

15:

16: MICHAEL A. CARDOZO

16: Corporation Counsel for the City of New York

17: Attorney for City Plaintiffs

17: SUSAN E. AMRON

18: DANIEL GREENE

18: Assistant Corporation Counsel

19:

07/29/2009 4:43PM CDT

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01: back off.

02: THE COURT: In some ways I am troubled, I was  
03: troubled. We haven't even talked about change in capture  
04: zones. That's why I keep trying to pin Mr. Greene down as to  
05: what in the world is the report. There are so many changes  
06: with respect to the new analysis of 5 and 22 that you need to  
07: commit. If you're saying we are abandoning the initial report  
08: and this rebuttal report is now our report, I have to think  
09: about that. It's very different than the initial.

10: MR. GREENE: We are not saying that, your Honor. This  
11: is confusing from reading their chart. The only analysis for 5  
12: and 22 that was done is the drought simulation. He didn't  
13: rerun ATRANS.

14: THE COURT: I know he didn't rerun ATRANS. You're  
15: saying all the other things I pointed out, such as the change  
16: in capture zone, the additional sites, eliminating sites,  
17: that's all part of the drought analysis?

18: MR. GREENE: Yes, that's correct, it's all part of the  
19: drought analysis.

20: THE COURT: How about the changing of the data inputs,  
21: like unsaturated thickness, velocity, heads, saturated  
22: thickness, MTBE percentage values, MTBE contaminants? These  
23: seem changed too.

24: MR. GREENE: I can take those one at a time.

25: THE COURT: Just tell me whether those changes are

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01: part of the drought.

02: MR. GREENE: Part of the drought. Everything for 5  
03: and 22 was part of the drought stimulation, everything. The  
04: original analysis, the ATRANS analysis. If you read his  
05: conclusion in his rebuttal, his recommendation for 5 and 22 is  
06: still based on the ATRANS analysis. The drought simulation  
07: is --

08: THE COURT: Wait. All these changes that I have on  
09: this quick list, all those different things, the additional  
10: sites, the eliminating sites, the change in the capture zone,  
11: all the rest of it only relates to the drought analysis?

12: MR. GREENE: Yes. And the capture zone changes  
13: because it is a different pumping scenario. If its a steady-  
14: state, there is more of a circular --

15: THE COURT: You're saying there is no change, in  
16: essence, to the initial opinion and initial model under ATRANS;  
17: it's just that if you change completely to the intermittent  
18: pumping drought analysis, everything changes, it's a different  
19: way of looking at things?

20: MR. GREENE: I think that's correct. Yes, that's  
21: correct. The only thing I would say is this gets a little bit  
22: scrambled because there are certain corrections, errata  
23: corrections to be made.

24: THE COURT: That's true.

25: MR. GREENE: We would like him to have the opportunity

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